

MASTER DOCKET NO. 2020-61765-MDL

IN RE: § IN THE DISTRICT COURT OF
§
§
§ HARRIS COUNTY, TEXAS
§
ARKEMA INC. LITIGATION § 333rd JUDICIAL DISTRICT

CAUSE NO. 2017-58465

CHRISTY GRAVES, et al., § IN THE DISTRICT COURT OF
§
v. § 333RD JUDICIAL DISTRICT
§
ARKEMA, INC. et al., § HARRIS COUNTY, TEXAS

CONSOLIDATED CASES

CAUSE NO. 2019-60480

CHRISTY GRAVES, et al., § IN THE DISTRICT COURT OF
§
v. § 333RD JUDICIAL DISTRICT
§
ARKEMA, INC. et al., § HARRIS COUNTY, TEXAS

CAUSE NO. 2019-60565

BRICE ABBOTT, JR., et al., § IN THE DISTRICT COURT OF
§
v. § 333RD JUDICIAL DISTRICT
§
ARKEMA, INC., ARKEMA, S.A., §
BUREAU VERITAS NORTH AMERICA, §
INC., CENTERPOINT ENERGY, INC., §
et al., § HARRIS COUNTY, TEXAS

CAUSE NO. 2019-60384

VALERIE AUZENNE, et al., § IN THE DISTRICT COURT OF
§

v. § 333RD JUDICIAL DISTRICT
§
ARKEMA, INC., ARKEMA, S.A., §
BUREAU VERITAS NORTH AMERICA, §
INC., CENTERPOINT ENERGY, INC., §
et al., § HARRIS COUNTY, TEXAS

NOTICE OF DEPOSITION ON WRITTEN QUESTIONS

To: Defendants, Arkema, Inc., through its attorney of record, Chris Reynolds, 1100 Louisiana Street, Suite 3500, Houston, TX 77002.

To: Custodian of records for United States Environmental Protection Agency, 1200 Pennsylvania Ave., 2310A, Washington, DC 20460.

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

**United States Environmental Protection Agency
1200 Pennsylvania Ave., 2310A
Washington, DC 20460**

before a Notary Public for

**DATASCOPE
13455 Cutten Rd., Suite 1-I
Houston, TX 77069
713-688-9300 Fax 713-688-9305**

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records **as described on the attached questions and/or Exhibit(s)** and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

**ABRAHAM, WATKINS, NICHOLS,
AGOSTO, AZIZ & STOGNER**

By: /s/ Muhammad S. Aziz
MUHAMMAD S. AZIZ
Texas Bar. No. 24043538
800 Commerce Street
Houston, Texas 77002

(713) 222-7211
(713) 225-0827 – Facsimile
maziz@awtxlaw.com

CONÉ PLLC

/s/ Misty A. Hataway-Coné
Misty A. Hataway-Coné
Texas Bar No. 24032277
1005 Heights Boulevard
Houston, Texas 77008
(713) 955-2729
(806) 243-5753 – Facsimile
misty@conepllc.com

-AND-

SPURLOCK & ASSOCIATES, P.C.

Kimberley M. Spurlock
Texas Bar No. 24032582
17280 West Lake Houston Pkwy.
Humble, TX 77346
(281) 548 0900
(281) 446 6553 – Facsimile
kspurlock@spurlocklaw.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record on this 22nd day of June, 2021, pursuant to the Texas Rules of Civil Procedure.

BY: /s/ V. Clifford Igal

DEPOSITION SUBPOENA TO TESTIFY OR PRODUCE DOCUMENTS OR THINGS

THE STATE OF TEXAS

To any Sheriff or Constable of the State of Texas or other person authorized to serve subpoenas under RULE 176 OF TEXAS RULES OF CIVIL PROCEDURE. - GREETINGS -

You are hereby commanded to subpoena and summon the following witness(es):

Custodian of Records for:

**United States Environmental Protection Agency
1200 Pennsylvania Ave., 2310A
Washington, DC 20460**

or wherever they may be found, to be and appear before a Notary Public of my designation for

**DATASCOPE 713-688-9300
13455 Cutten Rd., Suite 1-I, Houston, TX 77069**

or its designated agent, on the first day following the expiration of 20 days from service hereof at 10:00 a.m. or any other mutually agreed upon time, at the office of the custodian and there under oath to make answers of certain written questions to be propounded to the witness and to bring and produce for inspection and photocopying

Any and all records, from August 25, 2017, to present, including but not limited to, any and all correspondence with Arkema, Inc. or its agents, records, reports, notes, minutes, memoranda, correspondence, logs, lists, photographs, videos, audio recordings, notebooks, handwritten notes, response protocols, incident reports, dispatch records, emails, call logs, duty logs, timesheets, radio transcripts, dash camera footage, body camera footage, chain-of-custody forms, sampling results, or any other type of document which may relate to the Arkema, Inc. Crosby Facility and Hurricane Harvey or the subsequent chemical releases, fires, exposures, Evacuation Zone, and participation in Unified Command;

and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, at any and all times whatsoever, then and there to give evidence at the instance of the **Plaintiff**, represented by **Muhammad S. Aziz**, Attorney of Record, in that Certain Cause No. **2020-61765-MDL**, pending on the docket of the **District Court of the 333RD Judicial District of HARRIS County**, Texas.

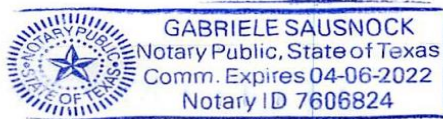
This Subpoena is issued under and by virtue of Rule 200 and Notice of Deposition Upon Written Questions in that certain matter pending in the above named court, styled

IN RE:

ARKEMA INC. LITIGATION

and there remain from day to day and time to time until discharged according to law.

WITNESS MY HAND, this 22nd day of June, 2021.




NOTARY PUBLIC

176.8 Enforcement of Subpoena. (a) **Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both..

OFFICER'S RETURN

Came to hand this _____ day of _____, 20____, and executed this the ____ day of _____, 20____, in the following manner: By delivering to the witness _____, a true copy hereof.

Witness fee of \$_____ tendered. Returned this _____ day of _____, 20____.

PROCESS SERVER

Order No. 30122.003

MASTER DOCKET NO. 2020-61765-MDL

IN RE:	§	IN THE DISTRICT COURT OF
	§	
	§	
ARKEMA INC. LITIGATION	§	HARRIS COUNTY, TEXAS
	§	
	§	333 rd JUDICIAL DISTRICT

CAUSE NO. 2017-58465

CHRISTY GRAVES, et al.,	§	IN THE DISTRICT COURT OF
	§	
v.	§	333 RD JUDICIAL DISTRICT
	§	
ARKEMA, INC. et al.,	§	HARRIS COUNTY, TEXAS

CONSOLIDATED CASES

CAUSE NO. 2019-60480

CHRISTY GRAVES, et al.,	§	IN THE DISTRICT COURT OF
	§	
v.	§	333 RD JUDICIAL DISTRICT
	§	
ARKEMA, INC. et al.,	§	HARRIS COUNTY, TEXAS

CAUSE NO. 2019-60565

BRICE ABBOTT, JR., et al.,	§	IN THE DISTRICT COURT OF
	§	
v.	§	333 RD JUDICIAL DISTRICT
	§	
ARKEMA, INC., ARKEMA, S.A.,	§	
BUREAU VERITAS NORTH AMERICA,	§	
INC., CENTERPOINT ENERGY, INC.,	§	
et al.,	§	HARRIS COUNTY, TEXAS

CAUSE NO. 2019-60384

VALERIE AUZENNE, et al.,	§	IN THE DISTRICT COURT OF
	§	

v. § 333RD JUDICIAL DISTRICT
§
ARKEMA, INC., ARKEMA, S.A., §
BUREAU VERITAS NORTH AMERICA, §
INC., CENTERPOINT ENERGY, INC., §
et al., § HARRIS COUNTY, TEXAS

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: United States Environmental Protection Agency

Records Pertaining to: 2017 Arkema, Inc. Crosby Facility Chemical Release Incident (8/30/17-9/4/17)

Type of Records: Any and all records, from August 25, 2017, to present, including but not limited to, any and all correspondence with Arkema, Inc. or its agents, records, reports, notes, minutes, memoranda, correspondence, logs, lists, photographs, videos, audio recordings, notebooks, handwritten notes, response protocols, incident reports, dispatch records, emails, call logs, duty logs, timesheets, radio transcripts, dash camera footage, body camera footage, chain-of-custody forms, sampling results, or any other type of document which may relate to the Arkema, Inc. Crosby Facility and Hurricane Harvey or the subsequent chemical releases, fires, exposures, Evacuation Zone, and participation in Unified Command.

1. Please state your full name, occupation, official title, and business address.

Answer: _____

2. Are you the custodian of records for the United States Environmental Protection Agency?

Answer: _____

3. In your capacity as custodian of records for the United States Environmental Protection Agency, are you familiar with whether the United States Environmental Protection Agency maintains records of its business activities?

Answer: _____

4. Are the records of the United States Environmental Protection Agency kept under your care, supervision, custody, or control?

Answer: _____

5. Was it in the regular course of business activity of the United States Environmental Protection Agency for employees with personal knowledge of the act, event, condition, opinion, or situation identified in the records to make such records or to transmit such information to be included in the records?

Answer: _____

6. Were the records identified above made at or near the time of the act, event, condition, opinion, or situation identified in the records or within a reasonable time thereafter?

Answer: _____

7. Were the records identified above made and kept in the regular course of daily business activities by the United States Environmental Protection Agency?

Answer: _____

8. Were the records identified above transmitted to your files, and did you maintain the records as part of your official duties as the custodian of records for the United States Environmental Protection Agency?

Answer: _____

9. Please hand the originals or exact duplicates of the records identified above to the notary public taking your deposition for photocopying and attachment to this deposition. Have you now given all records identified above to the notary public taking your deposition? If not, identify for the notary public the records and documents you did not produce and explain why you did not produce them.

Answer: _____

10. In the event you are unable to find any of the records requested in Plaintiffs' subpoena you received, how long does the United States Environmental Protection Agency maintain its files, and does the United States Environmental Protection Agency ever destroy its files?

Answer: _____

11. Are you aware of any other entity or individual that may have possession of records pertaining to the subject matter of this lawsuit? If so, please state the name and address of such entity or individual, if known.

Answer: _____

12. Have you been requested or directed by any person to withhold or protect, for any reason, the records identified in Plaintiffs' subpoena? Has any person suggested that you should withhold or protect the records identified in Plaintiffs' subpoena? If so, please state the name and address of the person who conveyed this information to you and when such event occurred.

Answer: _____

13. Do you know or have reason to believe that the records identified in Plaintiffs' subpoena have in any manner been edited, purged, culled, or otherwise altered? If so, please identify the records and explain why and how they were altered or removed.

Answer: _____

14. If any document responsive to Plaintiffs' subpoena was, but is no longer, in your possession, custody, or control, or no longer exists, state whether (1) it is missing or lost, (2) it was destroyed, (3) it was transferred to others, or (4) it was otherwise disposed of, and explain the circumstances surrounding its disposition, including the date of such disposition.

Answer: _____

Custodian of records for
United States Environmental Protection Agency

STATE OF _____ §
§
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, the custodian of records for the United States Environmental Protection Agency, whose identity is known to me. After I administered an oath, the custodian testified to the foregoing answers. I hereby certify that these answers were sworn to and subscribed before me by _____ on _____, 2021.

Notary Public in and for the
State of _____